

PROPOSED MEETING SCHEDULE AND AGENDA ITEMS

(Adler, 7.20.21)

Objectives for Three Meetings

1. Continue to move towards Red Hill regulatory alignment by DOH and EPA.
2. Prepare for Navy's response to Notice of Deficiency for Tank Upgrade Alternatives (Kwan and Linder, Oct 26, 2020) expected by end of August.¹
3. Achieve mutual clarity about specific issues, terms, and timelines.

Meeting #1 (Date TBD)

1. Technical Studies

A. Groundwater Modelling

- i. What is the status and the expected date of conclusion?
- ii. What is sufficient for each agency to achieve joint regulatory approval?
- iii. Is there agency alignment?

B. Risk Assessment Studies

- i. What is the status and the expected date of conclusion?
- ii. What is sufficient for each agency to achieve joint regulatory approval?
- iii. Is there agency alignment?

C. Other

- i. Corrosion

¹ [HYPERLINK "https://www.epa.gov/sites/production/files/2020-10/documents/red-hill-tua_proposal_final_combined_response-2020-10-26.pdf"]

ii. TIRM—Navy is not keeping up with 20-year inspection cycle. Only 5 of 14 operational tanks are 20 years or less since last inspection.

iii. What other technical issues remain incomplete but are needed for alignment?

2. Best Available Practicable Technology (BAPT) ^{2,3}

- A. How does EPA and DOH each understand, interpret, and apply the definition of BAPT to the Navy's approach to Red Hill?
- B. How precisely does DOH and EPA's understandings of BAPT fit into each agency's consideration of the TUAs?
- C. How does EPA and DOH view secondary containment as BAPT?
- D. For the immediate short term, what message, if any, does EPA and DOH wish to communicate together to the Navy and DLA (at Principal's meeting) as they prepare their response to the Notice of Deficiency and how should that be communicated?

3. Anticipated Navy Proposal

A. Option 1A

A.B. Secondary containment or relocation by 2045.

Meeting #2 (Date TBD)

² Per the AOC SOW Page 1, "... (2) Navy and DLA will undertake a comprehensive study to investigate the feasibility of upgrading the tank structures including, but not limited to, installing secondary containment. This study will evaluate several technologies, building on similar efforts conducted by Navy in 1998 and 2008. After completing the study, a technology or technologies will be approved by DOH and EPA ("the Regulatory Agencies") and implemented by Navy and DLA. Implementation will occur in phases so that all Tanks in operation will deploy BAPT, as approved by the Regulatory Agencies, within twenty-two (22) years of the effective date of the AOC or as otherwise provided for in the AOC or this SOW."

^{3,3} Per the AOC SOW, "BAPT shall mean the release prevention methods, equipment, repair, maintenance, new construction, and procedures, or any combination thereof, that offers the best available protection to the environment and that is feasible and cost-effective for the Tanks at the Facility. The selection and approval of BAPT shall be based on, but not be limited to, consideration of the following factors: (1) the risks and benefits of the particular technology; (2) the capabilities, feasibility, and requirements of the technology and facilities involved; (3) the anticipated operational life of the technology; and (4) the cost of implementing and maintaining the technology. Reliance on any one of these factors to the exclusion of other factors is inappropriate."

1. Approaches to Red Hill Safety

- A. EPA - What are the specific components of “safe enough” and what must the Navy and DLA specifically do to warrant EPA’s approval? What are the specific proofs needed?
- B. DOH – What are the specific components of “safe enough” and what must the Navy and DLA specifically do to warrant DOH’s approval? What are the specific proofs needed?
- C. For DOH, how does the HAR permit determination factor into AOC decisions?

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2. Preparing for the Navy's Response to Deficiencies

- A. If the Navy's forthcoming TUA ~~alternatives~~ Supplemental responses address everything DOH and EPA asked for in the October 2020 letter, can both agencies move forward with a BAPT decision even if groundwater modelling and risk assessment aren't fully completed? What constitutes "sufficiency" for both agencies?
- B. What are the specific dates and calendar markers running out to 2037 that DOH and EPA agree to put on a timeline and seek the Navy and DLA's concurrence on?

Commented [SJL1]: Do we want to put forth the consideration of foregoing the AOC 5-year BAPT submittals in favor of focusing on secondary containment or relocation? What would it take to make this change to the AOC?

3. Fixing Communication and Interaction Delays

- A. What are the specific impediments and delays experienced by EPA, DOH, and Navy in moving forward to decision-making more expeditiously?
- B. What specific agreements can DOH and EPA enter into to reduce unnecessary transactional delays?
- C. What can be done formally or informally to assist the AOC to work as intended?

Meetings #3 (Date TBD)

*(This meeting to be scheduled after EPA and DOH have received the Navy's TUA
Supplemental response)*

- 1. What does EPA and DOH agree to by way of response?
- 2. If DOH and EPA are not in alignment, what are the scenarios for moving forward?

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